

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

---

DANIELLE MALMQUIST,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Civil No. <u>08-2026-M1/P</u>
BAPTIST MEMORIAL HEALTH CARE	)	
CORPORATION, et al.,	)	
	)	
Defendants.	)	
	)	

---

REPORT AND RECOMMENDATION

---

On January 22, 2008, the plaintiff filed her complaint against defendants and summons were issued. As it appeared to the court based on the docket that plaintiff failed to serve the defendants within 120 days of the filing of the complaint, the court entered an order on June 20, 2008, directing the plaintiff to show cause within eleven (11) days why her case should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to serve the summons and complaint within 120 days. The plaintiff was warned that failure to respond to the show cause order could result in dismissal of her case without further notice from the court. The plaintiff has failed to respond to the show cause order, and has still not served any of the defendants. It appears to the court, therefore, that the plaintiff's case should be dismissed without prejudice for failure to serve the defendants.

Accordingly, it is recommended that this case be dismissed without prejudice for failure to serve the defendants pursuant to

Rule 4(m) of the Federal Rules of Civil Procedure.

Respectfully submitted,

s/ Tu M. Pham  
TU M. PHAM  
United States Magistrate Judge

July 16, 2008  
Date

**NOTICE**

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN TEN (10) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN TEN (10) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.